CERTIFIED MAIL-RETURN RECEIPT REQUESTED

March 16, 2009

Mr. Roger Duncan, CEO
Austin Energy
P.O Box 2267
Austin, Texas 78783-2267

Dear Mr. Duncan:

The Federal Communications Commission has received complaints that equipment operated by your utility may be causing harmful radio interference to an operator in the Amateur Radio Service. The complainant is:

(name withheld)
(address withheld)
Austin, TX 78757
Tel: (withheld)

The FCC has the responsibility to require that utility companies rectify such problems within a reasonable time if the interference is caused by faulty power utility equipment. Under FCC rules, most power-line and related equipment is classified as an "incidental radiator." This term is used to describe equipment that does not intentionally generate any radio-frequency energy, but that may create such energy as an incidental part of its intended operation.

To help you better understand your responsibilities under FCC rules, here are the most important rules relating to radio and television interference from incidental radiators:

Title 47, CFR Section 15.5 General conditions of operation.

(b) Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.

(c) The operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.

Title 47, CFR Section 15.13 Incidental radiators.

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

Title 47, CFR Section 15.15 General technical requirements.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of Part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see Sec. 15.105(b)).

The complainant has attempted unsuccessfully to work through your usual complaint resolution process and as a result the matter has been referred to our office. The FCC prefers that those responsible for the proper operation of power lines assume their responsibilities fairly. This means that your utility company should locate the source of any interference caused by its equipment and make necessary corrections within a reasonable time.

While the FCC has confidence that most utility companies are able to resolve these issues voluntarily, the FCC wants to make your office aware that this unresolved problem may be a violation of FCC rules and could result in a monetary forfeiture for each occurrence. At this stage, the FCC encourages the parties to resolve this problem without FCC intervention, but if necessary to facilitate resolution, the FCC may investigate possible rules violations and address appropriate remedies.

The American Radio Relay League, a national organization of Amateur Radio operators, may be able to offer help and guidance about radio interference that involves Amateur Radio operators.

American Radio Relay League
Radio Frequency Interference Desk
225 Main Street
Newington, CT 06111
860-594-0200
Email: rfi@arrl.org

Please advise the complainant what steps your utility company is taking to correct this reported interference problem. The FCC expects that most cases can be resolved within 60 days of the time they are first reported to the utility company. If you are unable to resolve this by April 17, please advise this office about the nature of the problem, the steps you are taking to resolve it and the estimated time in which those steps can be accomplished.

If you have any questions about this matter, please contact me at 717-338-2577. Thank you for your cooperation.

Sincerely,

Laura L. Smith, Esq.
Special Counsel, Northeast Region
Enforcement Bureau

cc: Dallas Field Office
South Central Regional Director